



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 25 2013

Gary E. Doan, Treasurer
Friends of Liberty for Jessica
12500 Uvalde Creek Drive
Austin, TX 78732

RE: MUR 6561

Dear Mr. Doan:

On April 26, 2012, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 22, 2013, based upon the information contained in the complaint and information provided by you, the Commission decided to dismiss certain reporting allegations and find no reason to believe that Friends of Liberty for Jessica, and you in your official capacity as treasurer, violated other provisions of the Act. Accordingly, the Commission closed its file in this matter on October 22, 2013.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

If you have any questions, please contact Donald E. Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration

Enclosure:
Factual & Legal Analysis

13044344457

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Jessica Puente Bradshaw MUR 6561
Friends of Liberty for Jessica
and Gary Doan as treasurer

I. INTRODUCTION

This matter was generated by a complaint filed by Arturo I. Martinez de Vara, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations by Jessica Puente Bradshaw, and Friends of Liberty for Jessica and Gary Doan in his official capacity as treasurer (the "Committee"). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Complainant Arturo I. Martinez de Vara alleges that Jessica Puente Bradshaw, and Friends of Liberty for Jessica and Gary Doan in his official capacity as treasurer (the "Committee"), violated the Act by failing to properly register a Statement of Candidacy and Statement of Organization.¹ Compl. at 1. Specifically, the Complaint alleges that Bradshaw declared as a candidate in Texas's 34th Congressional District for the 2012 election, noting that the website of the Republican Party of Texas states that Bradshaw filed for candidacy on December 16, 2011.² Compl. at 1. The Complaint contends, however, that as of April 18, 2012,

¹ Friends of Liberty for Jessica is the principal campaign committee for Bradshaw, a candidate in Texas's 34th Congressional District. Bradshaw lost in the 2012 general election to Filemon Vela.

² Texas's 34th Congressional District is a new district that was created as a result of the 2010 Census, incorporating portions of what had previously been Texas's 15th, 25th, and 27th Congressional Districts. See <http://www.tlc.state.tx.us/redist/redist.html>. On February 28, 2012, the U.S. District Court for the Western District

1 there was no record of Bradshaw having filed a Statement of Organization (FEC Form 1) or
2 Statement of Candidacy (FEC Form 2) for that election on the FEC's website.³ *Id.* Thus, the
3 Complaint concludes that Bradshaw and the Committee may have violated 11
4 C.F.R. §§ 101.1(a), 102.1(a), and 102.2(a). *Id.*

5 An amendment to the Complaint, filed on May 16, 2012, states that, in addition to
6 appearing as a candidate on the website of the Republican Party of Texas, Bradshaw was also
7 listed as a candidate in Texas's 34th Congressional District on the Texas Secretary of State
8 website. Amend. Compl. at 1. The Amended Complaint points out that, in contrast, as of May
9 11, 2012, Bradshaw had filed amended Statements of Candidacy and an April Quarterly Report
10 with the FEC as a candidate in Texas's 27th Congressional District, not the 34th. *Id.* The
11 Amended Complaint also alleges that public records reflect that Bradshaw's legal name is
12 Jessica Robinson and that she therefore provided an incorrect name on her Statements of
13 Organization and Candidacy.⁴ *Id.* at 1-2. Additionally, the Amended Complaint alleges that
14 Bradshaw's second amended Statement of Candidacy, dated May 7, 2012, designated "Friends
15 of Liberty for Jessica" as both her principal campaign committee and as an authorized committee
16 (*i.e.*, "... NOT [her] primary campaign committee."). *Id.* at 2. (Emphasis in original)

of Texas ordered an interim plan (Plan C235) for the districts used in 2012 to elect members of the Texas delegation to Congress. This plan is currently in effect. See *Perez v. Texas*, 891 F. Supp. 2d 808 (W.D. Tex. 2012); <http://www.tlc.state.tx.us/redist/districts/congress.html>.

³ Bradshaw previously campaigned in 2010 in Texas's 27th Congressional District, and she filed her first Statement of Candidacy (FEC Form 2) on January 7, 2010. The Committee filed its first Statement of Organization (FEC Form 1) on January 15, 2010 and has continued as Bradshaw's principal campaign committee throughout both election cycles.

⁴ The Amendment to the Complaint cited the candidate's Texas Drivers License Registration, voter registration, a Texas Real Estate License, and a signature on a ballot petition as evidence of Bradshaw using the legal name "Jessica Robinson." Amend. Compl. at 1-2. The Amendment to the Complaint further alleges duplicate Texas voter registrations under the name Jessica Robinson, in both Cameron and Travis Counties. Amend. Compl. at 2. Because voter registration is not under the FEC's jurisdiction, the Office of General Counsel makes no recommendation as to this allegation.

1304434459

1 In the Response, Bradshaw offers that a volunteer recently took over as treasurer, which
2 caused the incorrect designation of the congressional district to be “inadvertently missed” and
3 resulted in contradictory statements with respect to the designation of her authorized committee
4 on her FEC Form 2. Resp. at 1. Additionally, Bradshaw explains that due to her naturalization
5 as a United States citizen, her adoption by a step-father, relocations, and marriage, her name was
6 modified several times. *Id.* She maintains, however, that her name is Jessica Puente Bradshaw.
7 *Id.* Finally, in a Supplemental Response, Bradshaw asserts that no new Forms 1 or 2 were
8 required to be re-filed with the Commission since her 2012 campaign was a continuation of her
9 2010 bid for Congress. Suppl. Resp. at 1.

10 **B. Legal Analysis**

11 Under the Act, an individual becomes a candidate for federal office when he or she has
12 received contributions or made expenditures in excess of \$5,000. 2 U.S.C. § 431(2). A
13 candidate has fifteen days from the date he or she becomes a candidate to file a Statement of
14 Candidacy (FEC Form 2) with the Commission, which must designate a principal campaign
15 committee. 2 U.S.C. § 432(e)(1). A candidate must file a new FEC Form 2 for each election
16 cycle in which he or she is a candidate, within fifteen days after crossing the \$5,000 registration
17 threshold. *See* 11 C.F.R. §§ 101.1, 100.3(b). In furtherance of the Commission’s priorities as
18 discussed above, and in light of the technical nature of the reporting violations, the Commission
19 exercised its prosecutorial discretion and dismissed this matter, pursuant to *Heckler v. Chaney*,
20 470 U.S. 821 (1985), as to the allegations regarding failing to file new and amended Forms 1 and
21 2 with the Commission; failing to accurately report the congressional district of the office
22 sought; designating the Committee as both the principal campaign committee and as an
23 authorized committee on FEC Form 2; and failing to timely file a 2012 April Quarterly Report.

1304434460

1 Finally, Complainant alleges that Bradshaw violated 2 U.S.C. § 433(b)(5) and 18 U.S.C.
2 § 1001(a)(2), (3) because she provided on her Statements of Organization and Candidacy a name
3 other than that of her “legal name.” Amend. Compl. at 1-2. Bradshaw responded that through
4 immigration, adoption, and marriage, her middle name and surname had changed over the years,
5 and had been, at various times, Jessica Maria Puente, Jessica Robinson, and Jessica Puente
6 Bradshaw. Resp. at 1. Bradshaw stated that she had made several attempts to clarify and
7 “standardize” her full name. *Id.* Section 433(b)(5) only requires that, on its statement of
8 organization, an authorized committee identify “the name . . . of the candidate” for which it is
9 designated. *See also* 2 U.S.C. § 432(e)(1). The authorized committee identifies Bradshaw on
10 FEC Form 1 as the candidate for whom it is designated, and there is no available information to
11 suggest that the Committee was, in fact, an authorized committee for any other individual.⁵ The
12 Commission made a finding of no reason to believe regarding the allegations of failing to
13 accurately identify Bradshaw by name as the candidate supported by Bradshaw’s authorized
14 committee. Additionally, due to the fact that Bradshaw’s most recent FEC Form 2 still
15 designates the Committee as both the principal campaign committee and as an authorized
16 committee, the Commission reminded Bradshaw to amend her FEC Form 2 accordingly.

⁵ The section 1001 allegations concerning “any materially false, fictitious, or fraudulent representation, . . . writing or document” is a separate claim for which the Commission does not have jurisdiction. 18 U.S.C. § 1001(a)(2), (3). Therefore, the Commission dismissed this issue for lack of jurisdiction.

1304434461



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 25 2013

Jessica Puente Bradshaw

Austin, TX 78732

RE: MUR 6561

Dear Ms. Bradshaw:

On April 26, 2012, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 22, 2013, based upon the information contained in the complaint and information provided by you, the Commission decided to dismiss certain reporting allegations and find no reason to believe that you violated other provisions of the Act. Accordingly, the Commission closed its file in this matter on October 22, 2013.

The Commission encourages you to review the Factual & Legal Analysis, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. A copy is enclosed for your information and future reference. In particular, the Commission reminds you that a committee may only be designated as either the principal campaign committee or an authorized committee on an FEC Form 2, pursuant to 2 U.S.C § 432(e)(1) and, therefore, you may consider amending your FEC Form 2 accordingly. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

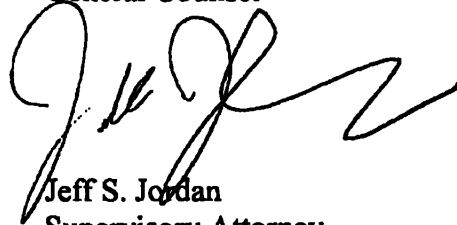
Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

1304434462

If you have any questions, please contact Donald E. Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

A handwritten signature in black ink, appearing to read 'Jeff S. Jordan', with a stylized flourish at the end.

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration

Enclosure:
Factual & Legal Analysis

1304434463

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Jessica Puente Bradshaw MUR 6561
Friends of Liberty for Jessica
and Gary Doan as treasurer

I. INTRODUCTION

This matter was generated by a complaint filed by Arturo I. Martinez de Vara, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations by Jessica Puente Bradshaw, and Friends of Liberty for Jessica and Gary Doan in his official capacity as treasurer (the "Committee"). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Complainant Arturo I. Martinez de Vara alleges that Jessica Puente Bradshaw, and Friends of Liberty for Jessica and Gary Doan in his official capacity as treasurer (the "Committee"), violated the Act by failing to properly register a Statement of Candidacy and Statement of Organization.¹ Compl. at 1. Specifically, the Complaint alleges that Bradshaw declared as a candidate in Texas's 34th Congressional District for the 2012 election, noting that the website of the Republican Party of Texas states that Bradshaw filed for candidacy on December 16, 2011.² Compl. at 1. The Complaint contends, however, that as of April 18, 2012,

¹ Friends of Liberty for Jessica is the principal campaign committee for Bradshaw, a candidate in Texas's 34th Congressional District. Bradshaw lost in the 2012 general election to Filemon Vela.

² Texas's 34th Congressional District is a new district that was created as a result of the 2010 Census, incorporating portions of what had previously been Texas's 15th, 25th, and 27th Congressional Districts. See <http://www.tlc.state.tx.us/redist/redist.html>. On February 28, 2012, the U.S. District Court for the Western District

1 there was no record of Bradshaw having filed a Statement of Organization (FEC Form 1) or
2 Statement of Candidacy (FEC Form 2) for that election on the FEC's website.³ *Id.* Thus, the
3 Complaint concludes that Bradshaw and the Committee may have violated 11
4 C.F.R. §§ 101.1(a), 102.1(a), and 102.2(a). *Id.*

5 An amendment to the Complaint, filed on May 16, 2012, states that, in addition to
6 appearing as a candidate on the website of the Republican Party of Texas, Bradshaw was also
7 listed as a candidate in Texas's 34th Congressional District on the Texas Secretary of State
8 website. Amend. Compl. at 1. The Amended Complaint points out that, in contrast, as of May
9 11, 2012, Bradshaw had filed amended Statements of Candidacy and an April Quarterly Report
10 with the FEC as a candidate in Texas's 27th Congressional District, not the 34th. *Id.* The
11 Amended Complaint also alleges that public records reflect that Bradshaw's legal name is
12 Jessica Robinson and that she therefore provided an incorrect name on her Statements of
13 Organization and Candidacy.⁴ *Id.* at 1-2. Additionally, the Amended Complaint alleges that
14 Bradshaw's second amended Statement of Candidacy, dated May 7, 2012, designated "Friends
15 of Liberty for Jessica" as both her principal campaign committee and as an authorized committee
16 (*i.e.*, "... NOT [her] primary campaign committee."). *Id.* at 2. (Emphasis in original)

of Texas ordered an interim plan (Plan C235) for the districts used in 2012 to elect members of the Texas delegation to Congress. This plan is currently in effect. *See Perez v. Texas*, 891 F. Supp. 2d 808 (W.D. Tex. 2012); <http://www.tlc.state.tx.us/redist/districts/congress.html>.

³ Bradshaw previously campaigned in 2010 in Texas's 27th Congressional District, and she filed her first Statement of Candidacy (FEC Form 2) on January 7, 2010. The Committee filed its first Statement of Organization (FEC Form 1) on January 15, 2010 and has continued as Bradshaw's principal campaign committee throughout both election cycles.

⁴ The Amendment to the Complaint cited the candidate's Texas Drivers License Registration, voter registration, a Texas Real Estate License, and a signature on a ballot petition as evidence of Bradshaw using the legal name "Jessica Robinson." Amend. Compl. at 1-2. The Amendment to the Complaint further alleges duplicate Texas voter registrations under the name Jessica Robinson, in both Cameron and Travis Counties. Amend. Compl. at 2. Because voter registration is not under the FEC's jurisdiction, the Office of General Counsel makes no recommendation as to this allegation.

1304434465

1 In the Response, Bradshaw offers that a volunteer recently took over as treasurer, which
2 caused the incorrect designation of the congressional district to be “inadvertently missed” and
3 resulted in contradictory statements with respect to the designation of her authorized committee
4 on her FEC Form 2. Resp. at 1. Additionally, Bradshaw explains that due to her naturalization
5 as a United States citizen, her adoption by a step-father, relocations, and marriage, her name was
6 modified several times. *Id.* She maintains, however, that her name is Jessica Puente Bradshaw.
7 *Id.* Finally, in a Supplemental Response, Bradshaw asserts that no new Forms 1 or 2 were
8 required to be re-filed with the Commission since her 2012 campaign was a continuation of her
9 2010 bid for Congress. Suppl. Resp. at 1.

10 **B. Legal Analysis**

11 Under the Act, an individual becomes a candidate for federal office when he or she has
12 received contributions or made expenditures in excess of \$5,000. 2 U.S.C. § 431(2). A
13 candidate has fifteen days from the date he or she becomes a candidate to file a Statement of
14 Candidacy (FEC Form 2) with the Commission, which must designate a principal campaign
15 committee. 2 U.S.C. § 432(e)(1). A candidate must file a new FEC Form 2 for each election
16 cycle in which he or she is a candidate, within fifteen days after crossing the \$5,000 registration
17 threshold. See 11 C.F.R. §§ 101.1, 100.3(b). In furtherance of the Commission’s priorities as
18 discussed above, and in light of the technical nature of the reporting violations, the Commission
19 exercised its prosecutorial discretion and dismissed this matter, pursuant to *Heckler v. Chaney*,
20 470 U.S. 821 (1985), as to the allegations regarding failing to file new and amended Forms 1 and
21 2 with the Commission; failing to accurately report the congressional district of the office
22 sought; designating the Committee as both the principal campaign committee and as an
23 authorized committee on FEC Form 2; and failing to timely file a 2012 April Quarterly Report.

1304434466

1 Finally, Complainant alleges that Bradshaw violated 2 U.S.C. § 433(b)(5) and 18 U.S.C.
2 § 1001(a)(2), (3) because she provided on her Statements of Organization and Candidacy a name
3 other than that of her “legal name.” Amend. Compl. at 1-2. Bradshaw responded that through
4 immigration, adoption, and marriage, her middle name and surname had changed over the years,
5 and had been, at various times, Jessica Maria Puente, Jessica Robinson, and Jessica Puente
6 Bradshaw. Resp. at 1. Bradshaw stated that she had made several attempts to clarify and
7 “standardize” her full name. *Id.* Section 433(b)(5) only requires that, on its statement of
8 organization, an authorized committee identify “the name . . . of the candidate” for which it is
9 designated. *See also* 2 U.S.C. § 432(e)(1). The authorized committee identifies Bradshaw on
10 FEC Form 1 as the candidate for whom it is designated, and there is no available information to
11 suggest that the Committee was, in fact, an authorized committee for any other individual.⁵ The
12 Commission made a finding of no reason to believe regarding the allegations of failing to
13 accurately identify Bradshaw by name as the candidate supported by Bradshaw’s authorized
14 committee. Additionally, due to the fact that Bradshaw’s most recent FEC Form 2 still
15 designates the Committee as both the principal campaign committee and as an authorized
16 committee, the Commission reminded Bradshaw to amend her FEC Form 2 accordingly.

⁵ The section 1001 allegations concerning “any materially false, fictitious, or fraudulent representation, . . . writing or document” is a separate claim for which the Commission does not have jurisdiction. 18 U.S.C. § 1001(a)(2), (3). Therefore, the Commission dismissed this issue for lack of jurisdiction.

1304434467